

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR THURSDAY, SEPTEMBER 27, 2007

Bernard Bordenick, Vice Chairman, called to order a meeting of the Frederick County Board of Appeals ("Board") for Thursday September 27, 2007, at 7:00 p.m. Present were, Robert Lawrence, Lara Roholt Westdorp, Ron Peppe, Sr., and John Clapp. Also present were Michael Chomel, Senior Assistant County Attorney, and Planning Division staff Larry Smith, Zoning Administrator, Rick Brace, Principal Planner II, and Erica Cooke, Recording Secretary. Billy Shreve, Chairman, was absent.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

Mr. Bordenick stated the rules and procedures for the evening.

Mr. Bordenick announced that case B-07-25 would be heard first and cases B-07-24 and B-07-26 would then be heard consecutively.

Approval of Minutes

The Board unanimously approved the Thursday, August 23, 2007 minutes as written, on a motion from Ms. Westdorp, seconded by Mr. Lawrence.

CASES

Mr. Bordenick swore in all persons who expected to testify at the meeting.

Case B-07-25 Harold and Carol Johnson

An application was filed requesting a special exception to establish an accessory apartment, located on the east side of Old Receiver Road [off Old Receiver Road approximately 1,300 feet] approximately ½ mile north of Shookstown Road (Tax Map 66, Parcel 40) Zoned R-1 Residential.

Mr. Peppe Sr. offered a motion to accept the posting as acceptable and hear the case, which failed to receive a second.

Mr. Lawrence offered a motion to continue this case for 30 days and post the sign so it was visible from Old Receiver Road, seconded by Mr. Clapp. Mr. Clapp offered an amendment to continue until the next meeting, not 30 days, which was seconded by Ms. Westdorp, and passed unanimously. Mr. Lawrence's amended motion failed (Yeas 2, Nays 3 – Bordenick, Westdorp, Peppe Sr.).

Ms. Westdorp moved to approve the request, seconded by Mr. Peppe, Sr.

Mr. Lawrence moved to amend the motion to bind the applicant to all exhibits and testimony and for the applicant to provide a copy of the plot with the right of way, house, and entrances to Old Receiver Road clearly marked, which was seconded by Ms. Westdorp and agreed to unanimously. Ms. Westdorp's amended motion passed unanimously.

Case B-07-24 Carole Sepe

An application was filed claiming Administrative Error in the Zoning Administrator's oral decision and the Planning Commission conditional approval of Clark Welding site plan [SP-97-11-12; action taken on July 11, 2007] as fabrication is not a permitted use in general commercial zoning district, located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

Case B-07-26 Carole Sepe

An application was filed claiming Administrative Error in Zoning Administrator's oral decision and Planning Commission conditional approval of Clark Welding site plan [SP-97-11-12; action taken July 11, 2007] in that the industrial activities performed by applicant are not permitted in General Commercial zoning, located on the north side of Roundtree Road, opposite Lewis Mill Court, (Tax Map 84, Parcel 192, Lot 2), zoned General Commercial.

Ms. Westdorp moved to hear case B-07-26 before case B-07-24, seconded by Mr. Clapp, which passed (Yeas 3, Nays 2 – Bordenick, Lawrence).

On a motion from Mr. Lawrence, seconded by Mr. Clapp, the Board agreed to continue the cases to the October 25, 2007 meeting and hear all cases on this issue in the following order: B-07-26, B-07-29, B-07-24 (Yeas 4, Nays 1 – Westdorp).

Mr. Brace announced per the Board of Appeals Bylaws, because continuance of the applications was publicly announced no further advertising nor reposting of placards would be required.

*Mr. Bordenick announced a break at 8:53 p.m. The meeting resumed at 9:05 p.m.
Mr. Chomel returned at 9:07 p.m.*

Case B-07-27 Braveheart Kennels and Game Birds LLC/ Barbara Kramer & Daniel Rice

An application was filed requesting a special exception to establish a kennel for boarding and training of 28 dogs and a variance of 139 feet from the 150 foot setback required for outdoor runs, located on the north side of Tuscarora Road [MD Route 28], approximately 1 mile east of Catoctin Mountain Highway [US Route 15] (Tax Map 10, Parcel 35), zoned Agricultural.

The Board unanimously granted the request for continuance until the November 15, 2007 hearing on a motion from Ms. Westdorp, seconded by Mr. Peppe Sr.

Case B-07-28 Urbana Interchange Partners LLC

An application was filed requesting a special exception to locate an animal incinerator as an accessory use to the existing Greenbrier Veterinary Clinic [previously approved B-02-23], located on the east side of Thurston Road at its intersection with Fingerboard Road [MD Route 80] and I-270 (Tax Map 96, Parcel 232).

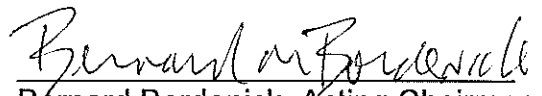
On a motion from Mr. Lawrence, seconded by Mr. Peppe Sr., the Board unanimously approved the request.

ADJOURN

Being no further business, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Erica Cooke
Recording Secretary


Bernard Bordenick, Acting Chairman